



ORDINARY COUNCIL MINUTES

MINUTES OF THE ORDINARY COUNCIL MEETING OF WESTLAND DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM ON THURSDAY 22 SEPTEMBER 2022 COMMENCING AT 9:00AM

The Council Meeting was live streamed to the Westland District Council YouTube Channel and presentations are made available on the council website.

1. KARAKIA TĪMATANGA OPENING KARAKIA

The opening Karakia was read by Cr Neale

2. MEMBERS PRESENT AND APOLOGIES

| Chairperson | His Worship the Mayor | |
|-------------|-----------------------|-----------|
| Members | Cr Carruthers (Zoom) | |
| | Cr Davidson | Cr Hart |
| | Cr Hartshorne | Cr Neale |
| | Cr Keogan | Cr Martin |

NGĀ WHAKAPAAHA APOLOGIES

Kw Madgwick
Kw Tumahai

Moved Cr Neale, seconded Cr Davidson and **Resolved** that the apologies from Kw Madgwick and Kw Tumahai be received and accepted.

STAFF PRESENT

S. Bastion, Chief Executive; L. Crichton, Group Manager: Corporate Services; S. Baxendale, Group Manager District Assets; L. Truman, Finance Manager; D. Maitland; Executive Assistant, E. Rae, Strategy and Communications Advisor; S. Johnston; Governance Administrator.

3. WHAKAPUAKITANGA WHAIPĀNGA DECLARATIONS OF INTEREST

The Interest Register had been circulated via Microsoft Teams and available on the Council table. There were no changes to the Interest Register noted.

Council observed a minute's silence in honour of the recent passing of the Queen.

Cr Keogan arrived in the Chambers at 9:07am.

Mayor Bruce Smith advised that the meeting today is the last meeting of the Triennium and will be conducted in accordance with standing orders as per usual, and that the meeting was not to be used for political purposes.

The Mayor proceeded to make mention of and thank the following groups/people:

The Chief Executive, Simon Bastion: It has been a pleasure to work with you. You have taken the role of Chief Executive with very low government experience, you have upskilled, and have become a great Chief Executive with great project work.

Group Manager, Corporate Services: Lesley Crichton: The person who controls the cheque book often comes under attack, as what politicians/councillors want and what the cheque book says is often different. Lesley has upgraded the finance systems, big congratulations on this. This is a very important part of Council.

Other Managers: It has been good to have you all on board. We have quite a good team that is very specialised.

Executive Assistant, Diane Maitland: Has been working for Council for 39 years. Whenever something comes up that is impossible to find the detail on, the Mayor would ask Di, and the next thing you know the information would be sitting in front of you. She is an incredibly valuable staff member, and I know she will never leave!

Council Controlled Organisations (CCO's) – Joanne Conroy, Westland Holdings, West Roads, and Destination Westland Boards have been outstanding at slowly improving profitability. Even despite last year – this was the first loss in 26 years. This year it has bounced back, and it is great to see. It makes a big difference to Councils cashflow. To Graham Kelly at West Roads, I have had the privilege of an open relationship with him which has helped. Melanie Anderson from Destination Westland - exactly the same. A lot of things the Mayor is updated on, on a day-to-day basis.

Looking at the Challenges for the next year for Council: The biggest issue we have at the moment is this building, and buildings that council own, however, we are in a position where we now have options. The next Council will be able to look at these options. So, it is probably the biggest challenge for 2023. The costs that come down from central government, 3 Waters, Significant Natura Area's, and Stewardship Land – it is never ending, and they are not budgeted for, there is no cheque sent with these requests. Next Council will no doubt pick up where this Council has finished up on and push for the benefit of the Community.

Deputy Mayor Carruthers: I know you are unwell today but thank you so much for your assistance and guidance, standing in on occasion for me where it has been necessary the last 3 years. Thank you so much for that.

Cr Hartshorne: Picking up on the South Westland side of things when your predecessor left, you have been a silent but very much a community minded and supportive councillor.

Cr Hart: I sit at every meeting, and I wait for you to ask the questions about finances. I know that when you ask a question I need to go and look to see what you're talking about. Your contribution has been very valuable.

Cr Martin: Probably the sharpest person around the Council table in relation to all sorts of issues because of your experience. Thank you so much, 9 years is a long time.

Cr Neale: Your contribution to finance and risk surprised me. You're not a trained accountant or risk specialist, but I found the questions you asked and direction you pushed on finance and risk has been outstanding, it has probably been the thing and I would say is top of the list for me.

Cr Keogan: You've been great. You've always had the community in mind, you've gone to the war zones - to Ross, and Kumara; it's important to connect with people first – which you've done.

Cr Davidson: Your contribution to the cycle ways and the protection of the town has been a focus for you and is a great thing. Particularly the cycleways – nothing is ever perfect, but you've found the things that needed adjusting and have adjusted them. It's been a great contribution and I sincerely hope you continue in this area as you're pretty good at it.

Special mention to the relationship Council has with media: because it is not good enough. It is ok, but it's not good enough. I want to pay special tribute to Janna Sherman because I have been in contact with her on a two daily basis for a number of years now. The articles that are written takes on some incredibly complex issues and mostly come out quite brilliant. Joanne Nash from Stuff, a good supporter of this Council. We need to be more open though. When a reporter rings, we should talk to them and tell them what we know. This would be a huge advantage going forward.

One of the biggest issues this Council will have is to hold the relationship together with Mana Whenua, with Ngāti Waewae and Ngāti Makaawhio. The election next year it is going to be, in my opinion, be racially based, it's going to be nasty, it's going to be difficult, and this Council has been a leader with relationship with Iwi on the Coast, and I would hate to see that dropped and go backwards because of what's happening nationally. So, to whoever gets elected in the next council it is pretty important.

**4. NGĀ TAKE WHAWHATI TATA KĀORE I TE RĀRANGI TAKE
URGENT ITEMS NOT ON THE AGENDA**

There were no urgent items of business not on the Council Agenda.

**5. NGĀ MENETI O TE HUI KAUNIHĒRA
MINUTES OF MEETINGS**

The Minutes of the previous Meeting had been included as part of the Agenda.

- **Ordinary Council Meeting Minutes – 25 August 2022**

Moved Cr Davidson seconded Cr Hart and **Resolved** that the Minutes of the Ordinary Council Meeting held on the 25 August 2022 be confirmed as a true and correct record of the meeting subject to the following amendment on page 7 of the minutes under the Hokitika Beachfront Access Project Report:

“The Mayor advised that he had been in contact with an ex-West Coast Regional Council staff member who was able to confirm verbal discussions had taken place with the Chief Executive of the West Coast Regional Council, and that he was happy to confirm this in writing”.

The Chair **Approved** that their digital signature be added to the confirmed Council Meeting Minutes of 25 August 2022.

6. ACTION LIST

The Chief Executive spoke to the Action List.

Moved Cr Keogan, seconded Cr Martin and **Resolved** that the updated Action List be received. With the below update:

| # | Item | Status Update |
|----|--------------------------|---|
| 9. | Reseals 2022/2023 | <p>Transportation Manager advised that the Bitumen pricing has an impact on the budget and works for this coming year:</p> <ul style="list-style-type: none"> • There have been substantial cost increases over the last few months • The current program is committed for resurfacing 18km = 4-5% of the network. The target is 6.5%. So short about 5kms. • Currently looking at alternative surfaces. • The current program has been priced and it is towards the upper limit of what there is available in budget. • Gone back to the contractor and requested a revision on reseal prices and surfacing type requested. |

| | |
|--|--|
| | <ul style="list-style-type: none"> • The way forward for Council will be to keep a closer eye on the surfacing done and be actively monitoring what is going on. <p><i>Cr Martin queried if the plan was inflation adjusted for the next 3 years.</i></p> <p><i>The Transportation manager advised that it wasn't and is something that cannot be factored in at the time. There may be potential to fund some activity from other budgets, understanding that that might affect other projects. So, it comes down to what is more important to achieve and do.</i></p> |
|--|--|

The following items were taken out of order to the Agenda:

8. PŪRONGO KAIMAHI STAFF REPORTS

- **Delegations to Chief Executive**

The Chief Executive spoke to this item and advised the purpose of this report is to seek Council's approval to delegate the responsibilities, duties and powers of the Council to the Chief Executive during the period beginning the day after the declaration of the official election result until the day of the swearing in of the new Council, subject to limitations set out in [clause 32\(1\) of Schedule 7](#) of the Local Government Act 2022, except for certain powers set down in the legislation that cannot be delegated. The report also recommends that the Council discharges all current Committees.

Moved Cr Hartshorne seconded Cr Hart and **Resolved**

1. That the report be received.
2. That Council delegates all of its responsibilities, duties, and powers to the Chief Executive, subject to the limitations set out in clause 32(1) of Schedule 7 of the Local Government Act 2002, during the period beginning the day after the declaration of the official election result until the day of the swearing in of the new Council, subject to:
 - (a) Following consultation with the person elected to the position of Mayor,
 - (b) Attending only to those matters that cannot reasonably wait until the first meeting of the new Council and;
 - (c) By reporting all decisions made under delegation to the first meeting of the new Council; and
 - (d) Calling an Extraordinary meeting of Council if any urgent decisions arise in this period requiring significant political input.

- **Continuation of Joint-Committee Post Election**

The Chief Executive spoke to this item and advised the purpose of this report is to provide for the continuation of the Hokitika Seawall Joint Committee and the Franz Josef/Waiapu Rating District Joint Committee following the 2022 triennial election. Without a resolution to this effect, these Joint Committees would be automatically discharged following the election in October 2022.

Moved Cr Hartshorne seconded Cr Neale and **Resolved** that:

- a. That the report be received.

- b. The Hokitika Seawall Joint Committee shall **not** be discharged on the coming into office of the members of the Council elected or appointed at, or following, the next triennial general election; and
- c. That the Franz Josef/Waiiau Rating District Joint Committee shall **not** be discharged on the coming into office of the members of the Council elected or appointed at, or following, the next triennial general election.

- **Finance Report**

The Finance Manager spoke to this time and advised the purpose of this report is to provide an indication of Council's financial performance for the month to 31 August 2022.

The Finance Manager noted that there is an administrative error in the Sustainability Report under the Liquidity Risk – the figure in the description should be 173% **not** 1.73%.

Moved Cr Hart seconded Cr Neale and **Resolved** that:

- a. That the Financial Performance Report for 31 August 2022 be received.

- **Annual Dog Control Report**

The Chief Executive spoke to this report and advised that the purpose of this report is to adopt the Annual Report on Dog Control Policies and Practices for the year ending 30 June 2022.

Moved Cr Keogan seconded Cr Neale and **Resolved** that:

1. The report be received
2. Council adopts the Annual Dog Control Policy and Practices Report for the year ended 30 June 2022.
3. The adopted Annual Dog Control Policy and Practices Report for the year ended 30 June 2021 is publicly notified, and made publicly available on Council's website, and
4. The Secretary for Local Government is advised that the Annual Dog Control Policy and Practices Report for the year ended 30 June 2022 has been published in accordance with Section 10A of the Dog Control Act 1996, and Section 5(1) of the Local Government Act 2002.

- **Better Off Package Funding**

The Chief Executive spoke to this item and advised the purpose of this report is to provide a follow-on update for Council on the 3 Waters Reform "Better Off Package Funding" and seek a resolution on the options put before Council following a Council workshop held on Monday 12 September 2022.

Cr Martin declared a conflict of interest with this agenda item and advised that it is noted in the agenda report that he has not had input into proposed projects from an organisation that he is a member of, (Hokitika Lions Club) and that he would not be participating in the discussion or any decision making around this item, and happy to leave the Chambers if appropriate.

Cr Neale also declared a conflict of interest due to the West Coast Riding for the Disabled having applied for funding through the Better Off Package Funding, and her affiliation with the West Coast Riding for the Disabled, and also would not participating in the discussion or decision making around this item.

Cr Davidson advised that he would be abstaining from voting on this item due to feeling uncomfortable with the process that standing orders weren't being followed properly at the Community Projects Council Workshop on the 12 September 2022. This is not a reflection on the members of the workshop committee. Cr Davidson advised that he was present when funding was

allocated and mentioned at the meeting that conflicted members should not be present and stands by that today. With a large pool of funding \$500k being allocated and over 1/3 of the pool was allocated to those projects with conflicting members. And although they registered their conflict of interest, councillors should have been in a position to discuss these applications without them being present.

Cr Martin, Cr Neale, and Cr Davidson remained in the Council Chambers during the discussion and resolution.

The Chief Executive highlighted that the Better Off Funding from 3 Waters was funding a total of 58 projects are being executed as a part of this fund with projects stretching from Otira all the way down to Fox Glacier. Also, to highlight that this fund is conditional on the Swimming Pool Stage 2 receiving external funding. To date there has been positive response, but it is not finalised yet. It has been through 2 ministers and yet to be approved by Hon Grant Robertson. We are confident that it will go through but wanted to highlight that it is still a risk.

There were some projects that did not pass the criteria unfortunately. We have put them on hold at this stage. We still have to go through the Department of Internal Affairs and do due diligence.

Council have also gained an extension in regard to time from 30th September 2022, Council now has until the 31st October 2022, which gives time to do due diligence properly.

We will be asking each community – if it is not a Council asset that they all be signing an agreement in terms of how the project needs to be conducted and each community will need to define who that project manager will be. In terms of projects, Council will assign a project overseer for these projects to support the communities, and we may need to do due diligence on some of the applications to ensure there is nothing we don't believe should be done with the funding.

We have until June 2027 to have these projects completed. Council is keen to get these projects completed within the next 18 months.

The Mayor noted that standing orders do not apply to Council Workshops.

Moved Cr Keogan seconded Cr Hartshorne and **Resolved** that:

- a. That the report be received.
- b. That Council confirm the applications attached as Appendix 1 in the Report to Council; and directs the CE to proceed with an application to Department of Internal Affairs.

The 12 applications for the Community Fund were noted as:

| Group/Organisation | Project/Initiative | Total Project Cost | GST |
|--|--|--------------------|-------|
| Lions Club – Strengthening, Extension & Resilience Upgrade | To upgrade Lazar Park Hall to provide recreational amenities, including a commercial kitchen, hall, toilets, and meeting spaces that are structurally safe, fit for purpose and resilient for the purposes of emergency management | \$95,000.00 | Excl. |
| Whataroa Community Association CD Infrastructure | Civil Defence Infrastructure – Whataroa area | \$72,314.75 | Incl. |
| West Coast Riding for the Disabled Inc. | Indoor Area – Surface | \$52,468.75 | Incl. |

| | | | |
|--|--|---------------------|-------|
| Fox Glacier Memorial Arboretum | Memorial garden space at Fox Glacier Hall site | \$44,000.00 | Incl. |
| Bruce Bay Community Hall Inc. | Completion of Bruce Bay Community Hall Safety Projects | \$42,201.92 | Incl. |
| Lake Kaniere Community Association | Lake Kaniere Community Resilience Plan for both residents and day trippers and West Coast Cycle Trail users. | \$40,000.00 | Incl. |
| Kumara Memorial Hall | Kumara Resilience Container | \$36,636.70 | Incl. |
| West Coast Riding for the Disabled Inc. | Indoor Arena Electrical materials | \$32,757.75 | Incl. |
| Kumara Junction – Gentle Annie Track Extension | Gentle Annie Track Extension | \$26,691.00 | Incl. |
| Ross Community Society Inc. | Ross Civil Emergency Hub | \$22,514.31 | Incl. |
| Hari Hari Civil Defence Group | Stage 2 Civil Defence Plan for Hari Hari | \$21,033.63 | Incl. |
| Otira Responsibility Community Association Board | Community Civil Defence Hub | \$13,378.00 | Incl. |
| | Contingency | \$1,003.19 | |
| | Total: | \$500,000.00 | |

• **Annual Report of the Work of the Audit and Risk Committee for the Period of 1 August 2021 - to 31 July 2022.**

The Group Manager, Corporate Services advised that the purpose of this report is to present to full Council on Thursday 22 September the Annual Report of the Work of the Audit and Risk Committee for the period 1 August 2021 to 31 July 2022.

Moved Cr Martin seconded Cr Neale and **Resolved**:

- a. That Council receive the Annual Report of the Work of the Audit and Risk Committee for the period 1 August 2021 to 31 July 2022.

9. ADMINISTRATIVE RESOLUTION

Warrant of Appointment – Planner, Enforcement Officer

Moved Cr Neale seconded Cr Martin and **Resolved** that the Council Affix its seal of approval to the following document:

| | | |
|----------------------|---|--|
| Olivia Rose Anderson | Warrant of Appointment – Planner, Enforcement Officer | To act in the Westland District as: <ul style="list-style-type: none"> • An Officer pursuant to s.174 of the Local Government Act; AND • An Officer under the Westland District Council Bylaws; AND • Enforcement officer pursuant to s.38 of the Resource Management Act 1991, including the |
|----------------------|---|--|

| | | |
|--|--|---|
| | | power of entry pursuant to s.332 and s.333 of the Resource Management Act 1991. |
|--|--|---|

7. NGĀ TĀPAETANGA PRESENTATIONS

- **Community Service Awards**

The Mayor and Cr Hartshorne presented the Community Service Award to:

Dave Nolan - for service to the Whataroa Community

Council adjourned for Morning tea at 9:57am, and recommenced the meeting at: 10:17am

Presentations Continued:

- **Community Service Award**

The Mayor and Cr Hartshorne presented the Community Service Award to:

Sherry Woodside - for service to the Whataroa Community.

- **The Last 3 Years – Power Point**

The Chief Executive spoke to the following slides:

Summary of Activities for the 2019-2022 Triennium

- Community Services – Township Development Fund
- Community Services – Westland Creative Communities Funding, Westland Rural Travel Fund

Building Control Manager spoke to the Building Department Slides:

- Regulatory – Building Department
- Building – Ongoing Challenges, Key Success Factors
- Hokitika Museum - Vision, Mission, Highlights, Challenges
- Hokitika Museum – rebranding
- Library 2019-2022
- District Assets – Last 3 years, Infrastructure Funding, Major Great Rides Fund, PGF Fund, Lotteries, Culture and Heritage Funds, 3 Waters Reform, Future projects.
- Chief Executive – last 3 years, Big Takeaways, Councillors and Governance, Achievements and Opportunities, Future Focus, Thanks.

Westland Workforce Coordinator, Mayors Taskforce for Jobs, spoke to the Mayors Taskforce Slide:

- Community Services – Mayors Taskforce for Jobs – Community Recovery

Group Manager, Corporate Services spoke to the following slides:

- Corporate Services Group – Information Management, Digitisation Project, Strategies & Communication, Ongoing challenges, upcoming future works

Moved Cr Martin, Seconded Cr Davidson and **Resolved** that the presentation from the Chief Executive, Simon Bastion be received.

- **Presentations to Mayor and Councillors Retiring Not Standing for Re-Election**

The Mayor presented Certificates and gifts to Councillors Retiring and who are not standing for Re-Election:

Cr Anna Hart

Cr Ian Hartshorne

Cr Jenny Keogan

Councillors Keogan and Hart presented a certificate and gift to the Mayor, who will not be standing for re-election

10. KA MATATAPU TE WHAKATAUNGA I TE TŪMATANUI RESOLUTION TO GO INTO PUBLIC EXCLUDED

(to consider and adopt confidential items)

Moved Cr Hart, seconded Cr Neale and **Resolved** that Council confirm that the public were excluded from the meeting in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 12:30 pm.

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of the resolution are as follows:

| Item No. | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under Section 48(1) for the passing of this resolution |
|----------|---|---|---|
| 1. | Confidential Minutes – 25 August 2022 | Good reasons to withhold exist under Section 7 | That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a) |
| 2. | Audit & Risk Report Independent Chair, Rachael Dean. | Good reasons to withhold exist under Section 7 | That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a) |
| 3. | Tender Awards Hokitika Z Line Waste-Water Contract 22/23-02 | Good reasons to withhold exist under Section 7 | That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a) |
| 4. | Utilities Maintenance Contract 22/23-3 | Good reasons to withhold exist under Section 7 | That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure |

| | | | |
|----|--|--|---|
| | | | of information for which good reason for withholding exists. Section 48(1)(a) |
| 5. | Tender Awards West Coast Councils Regional Roading Asset Management Services | Good reasons to withhold exist under Section 7 | That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a) |
| 6. | West Coast Councils Regional Bridge and Structures Asset Management Services | Good reasons to withhold exist under Section 7 | That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a) |
| 7. | Hokitika Racecourse Group Manager, District Assets; Scott Baxendale | Good reasons to withhold exist under Section 7 | That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a) |

This resolution is made in reliance on sections 48(1)(a) and (d) of the Local Government Official Information and Meetings Act 1987 and the particular interests or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

| Item No. | Interest |
|----------------|--|
| 1 | Protect the privacy of natural persons, including that of deceased natural persons (i) |
| 1,2,3,4,5,6,7 | Protect information where the making available of the information: (i) would disclose a trade secret; and (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b)). |
| 1, 2,3,4,5,6,7 | Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i)) |
| 3,4,5,6 | Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j)). |

Moved Cr Martin, seconded Cr Davidson and **Resolved** that the business conducted in the 'Public Excluded Section' be confirmed and accordingly, the meeting went back to the open part of the meeting at 12:42pm.

**DATE OF INAUGURAL COUNCIL MEETING – 27 OCTOBER 2022
COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA AND VIA ZOOM**

MEETING CLOSED AT 12:43 PM

Confirmed by:

**Mayor, Bruce Smith
Chair**

Date: 22.09.2022

**Simon Bastion
Chief Executive**

Date: 22.09.2022